

# **FISCAL NOTE**

## **HB 2215 - SB 2818**

February 26, 2002

**SUMMARY OF BILL:** Provides notwithstanding any rule or statute to the contrary in a criminal case in which the victim is less than 7 years of age and the defendant is charged with a sexual offense as specified in the bill or any attempt, solicitation, or conspiracy to commit those offenses, evidence of the defendant's prior conviction for another sex offense where the victim was also less than 7 years of age is admissible subject to Rule 403 of the Rules of Evidence.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$159,500/Incarceration\***

Estimate is based upon a review of convictions for sexual offenses to assess the age of victims and the circumstances of the crimes. The details of the cases were reviewed and considered along with patterns of indictment, pleading and conviction in these types of cases. The offenders with sexual offense convictions with the last 10 years with prior child victims were identified. In 1999, there were 288 indictments for rape of a child and 44 convictions. This estimate assumes the provisions regarding this evidence will result in one additional conviction for rape of a child (Class A felony) each year.

*\*Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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